

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2007-130790-002 DT

11/03/2008

HONORABLE CHRISTOPHER WHITTEN

CLERK OF THE COURT
A. Moore
Deputy

STATE OF ARIZONA

BRETT JAMES HARAMES

v.

JASON MICHAEL SPENCER (002)

ELEANOR L MILLER

PRETRIAL SERVICES AGENCY-CCC

COMPREHENSIVE PRETRIAL CONFERENCE

8:43 a.m.

State's Attorney:	Jeremy Horn
Defendant's Attorney:	Eleanor Miller
Defendant:	Present
Court Reporter:	Yvonne De La Torre

Court and counsel discuss pretrial matters. A discussion is held regarding disclosure items not yet received by defense counsel.

8:47 a.m. Court stands at recess.

9:18 a.m. Court reconvenes. Jeremy Horn is present on behalf of the State. Defendant is present with counsel, Eleanor Miller.

Court Reporter: Yvonne De La Torre

The State does not believe the 911 tape exists.

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IT IS ORDERED that the State advise, in writing, of the existence or non-existence of the 911 tapes and CAD reports by 11/15/2008.

IT IS FURTHER ORDERED that records related to the training of the dog and any taped interview of the defendant be disclosed by 11/15/2008.

If not disclosed and the items are inculpatory, absent a showing of extraordinary cause, the items will be precluded; and if the records are exculpatory, appropriate sanctions may be imposed.

IT IS ORDERED affirming the Trial date of 1/12/2009 at 8:30 a.m. in this division.

IT IS ORDERED setting Trial Management Conference on 1/5/2009 at 8:30 a.m. in this division.

LAST DAY: 2/24/2009

IT IS ORDERED that the Joint Pretrial Statement is due in this division two (2) judicial days before the Trial Management Conference.

In addition to compliance with the Rules of Criminal Procedure, this Court has found it necessary to impose certain deadlines that promote a fair and timely trial without "ambush." Failure to comply with the deadlines in this order may result in sanctions, including the preclusion of witnesses and evidence.

Non-Expert Disclosure

All other disclosure must be completed in accordance with Rule 15.1(c) and 15.2(d). Newly discovered witnesses or exhibits must be reasonably disclosed as required by Rule 15.6.

In no event will any party be allowed to use any evidence disclosed less than thirty (30) days before the first trial setting unless the proponent of the evidence first obtains Court approval, which will only be granted upon a showing of good cause supported by affidavit.

Expert Disclosure

If a party wishes to offer expert evidence, the proponent of the evidence shall provide the name, address and a summary of the facts and opinions to which the expert is expected to testify no later than thirty (30) days before the first trial setting.

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Discovery

Any discovery (including witness interviews or depositions) shall be completed no later than seven (7) days before the first trial setting.

Extension of Discovery/Disclosure Deadlines

Any party seeking further disclosure and/or discovery after the above deadlines **shall** seek leave of the Court by motion or stipulation which **must** be supported by affidavit or avowal showing good cause to extend the time for disclosure and/or discovery.

IT IS FURTHER ORDERED with the Joint Pretrial Statement, Counsel shall deliver to this division, copies of the following:

- A. **A joint set of agreed-upon preliminary and final jury instructions.** This does not include Preliminary Criminal RAJI or Standard Criminal RAJI which the Court will give without request.
- B. Separate sets of requested instructions that have not been agreed upon. Please read *Rosen v. Knaub*, 175 Ariz. 329, 857 P.2d 381 (1993).
- C. In jury trial cases the parties shall jointly prepare a brief summary of the case which the Court will read to the jury during *voir dire*.

MOTIONS IN LIMINE

Any motions *in limine* shall be filed no less than fifteen (15) days before the trial. Such motions must comply with *State v. Superior Court*, 108 Ariz. 396, 397, 499 P.2d 152 (1972). A written response to a motion *in limine* may be filed no later than ten (10) days thereafter. The Court will generally rule on the motions *in limine* without oral argument.

PRETRIAL MOTIONS

All pretrial motions, other than motions *in limine*, must be filed thirty (30) days before trial. All motions must comply with Rule 35.1, setting forth a sufficient factual basis for the motion. Failure to file a sufficient motion may result in the motion being denied without evidentiary hearing.

MARKING EXHIBITS

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Counsel is directed to meet in person to exchange the exhibits before coming to court. Counsel will make sure that they do not bring to the clerk a set of exhibits that include duplicate exhibits. Written stipulations to admit specified exhibits in evidence are encouraged.

DISCOVERY DISPUTES

If there are any disputes as to the disclosure required under Rule 15, the parties shall attempt to resolve the issue under Rule 15.7 (b). Only after personal consultation, the party seeking relief shall notify the Court, which will convene a conference to resolve the issue.

LAST DAY CALCULATION

Counsel shall notify the Court within ten (10) days after the minute entry is posted that there are errors in the last day calculation.

Failure to object will be deemed a waiver, see Rule 8.1(c) and Rule 8.1(d).

IT IS FURTHER ORDERED affirming prior release orders.

9:22 a.m. Matter concludes.